

CHAPTER 48

Toilet Facilities and Sewage Disposal

NOTE: Chapter 48 was amended by P.L. 17-87.

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§48101. Definitions. (a) *Cesspool* means an excavation which receives or is intended to receive untreated sewage and from which liquid seeps or leaches into the surrounding porous soil.

(b) *Privy* means a structure and excavation for the disposal of human excreta by non-water carriage methods and includes the term pit privy, trench latrine, and bored-hole latrine.

(c) *Septic Tank* means a water-tight receptacle which receives the discharge of untreated sewage designed and constructed so as to retain solids, digest organic matter through a

period of detention, and allows the liquids to discharge into an exterior leaching system.

(d) *Sewage* includes untreated or insufficiently treated human excreta, food wastes disposed of through sewers, waste water, liquid wastes from residences, commercial buildings, public buildings and industrial establishments and such diluting water as may have entered the waste disposal system.

(e) *Leaching system* means a subsurface system of open-joint or perforated piping where septic tank effluent may seep or leach into the surrounding porous soil.

§48102. Toilet and Sewage Facilities Required. No building shall be occupied or used as a dwelling, school, public building, commercial building, industrial building or place of assembly without toilet and sewage facilities of a type required by this Chapter for the disposition of human excreta and other domestic wastes.

§48103. Maintenance: Responsibility. Toilet and sewage facilities shall be maintained at all times in good repair and in a clean and sanitary condition. The owner of a property is primarily responsible for the structural integrity, good repair and maintenance of toilet and sewage facilities in conformity with the provisions of this Chapter. He is responsible for the replacement of broken or worn-out equipment or parts, and the cleaning of obstructed or broken pipes or drains. The lessee, occupant, or person in possession of property is responsible for keeping such facilities in a clean and sanitary condition.

§48104. Types of Toilet and Sewage Facilities. (a) The following types of toilet facilities are permitted under the terms and conditions as hereinafter provided:

Type 1: Toilets flushed with water and connected with a public sewer.

Type 2: Toilets flushed with water and connected with a septic tank and leaching system.

Type 3: Privy type, including pit privy, trench latrine and bored-hole latrine.

(b) When a public sewer is available, all buildings used for human occupancy, employment or recreation and situated upon land abutting any road, street, or other way or easement in which

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a public sewer is located, must have suitable toilet facilities installed and connected to the public sewer, in accordance with the following schedule:

(1) Every such building constructed after the effective date of this Act or after a public sewer becomes available, whichever is later, must include such installation and connection in the construction.

(2) Any such building existing at the time a public sewer first become available and being served only by Type 3 facilities must be provided such installation and connection within six (6) months after the public sewer become available.

(3) Any such building existing at the time a public sewer first becomes available and being served by Type 2 facilities which are entirely adequate and without defect may continue to be served by such existing facilities for a maximum period of five (5) years upon the following conditions.

a. No repairs, replacements or additions of or to such facilities will be permitted.

b. Whenever any such facility become defective or inadequate, connection to the public sewer must be made within thirty (30) days after notice given by the Administrator, who may, however, upon application, extend the time to not more than six (6) months if he finds that the defect or inadequacy is not hazardous to health.

c. Whenever a public sewer becomes available, the Administrator, as soon as possible, shall make or cause to be made an inspection of all Type 2 facilities on lands abutting the road, street, or other way or easement in which such sewer is located and shall promptly notify the persons concerned of his determination of which such facilities may continue to be used as above provided.

d. In situations within the Groundwater Protection Zone where the density of Type 2 facilities exceeds four (4) septic tank and leaching systems per acre and

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public sewer is available, in order to protect the groundwater, the Administrator has discretion in requiring building owners to connect to the public sewer within six (6) months of being served proper notice.

(4) The Administrator may inspect or cause to be inspected any toilet facility at any time and shall make or have made suitable inspections with such frequency as may be necessary to assure compliance with this Section.

(c) Where water is available from the Public Utility Agency of Guam, but a public sewer is not available, toilet facilities shall be of Type 2 . This Subsection shall apply to all buildings constructed after the effective date of this Act. With respect to buildings in existence on the effective date of this Act, this Subsection, shall apply to all such buildings, except dwellings, from and after six (6) months after the effective date of this Act, or after water becomes available, whichever is later, and shall apply to dwellings from and after one (1) year after the effective date of this Act, or after water becomes available, whichever is later, except that this Subsection shall not apply to any such existing building where the size of the lot or the soil permeability of the lot, as may be determined by the Administrator, is inadequate and unsuitable for the installation and operation of toilet facilities of Type 2.

(d) In all other cases, toilet facilities shall be of Type 2 or Type 3. In no case shall the construction of new cesspools be allowed after the effective date of this act.

§48105. Approval of Administrator Required. No toilet or sewage facilities or single-family residences, subdivisions, apartments, motels, hotels or other multihousing facilities may be constructed without the approval of the Administrator, or put into operation without his inspection and approval. The Administrator may require any or all the following information before giving such approval:

(1) Plot plan drawn to scale completely dimensioned, showing direction and approximate slope of surface, location of all present or proposed or existing retaining walls, drainage channels, water supply lines or walls, paved

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areas and structures on the plot and location of the sewage facilities with relation to lot lines and structures.

(2) A description of the complete installation including quality, kind and grade of materials, equipment, construction, workmanship, and methods of assembly and installation.

(3) A log of soil formation and ground water levels as determined by the test holes dug, in accordance with the requirements of the Administrator, at the location of the proposed leaching system.

No building permit or certificate of occupancy under the Building Law of Guam shall be issued without prior compliance with this Section.

§48106. Location. No septic tank, leaching system, or privy be located within a horizontal distance of three hundred (300) feet of any river, creek, pond, reservoir, stream, well, spring, or body of fresh water, or within a horizontal distance of five (5) feet of the boundary line of any lot, or located in position not easily accessible for emptying or cleaning. No or [sic] septic tank or leaching system shall be constructed, located, or maintained within a horizontal distance of ten (10) feet and no privy shall be constructed, located, or maintained within a horizontal distance of twenty (20) feet, of any dwelling, school, public building, or a building used for commercial or industrial purposes, or as a place of assembly.

Provided, however, that the limitation with regard to location of any privy, septic tank, or leaching system within five (5) feet of the boundary line of any lot shall not apply to any privy, septic tank, or leaching system now so located.

§48107. Standards. Every privy shall have a substantial and water tight curbing around the top thereof to retain the earth without, and to prevent the seepage of the contents thereof to the surface of the earth. Every [sic] and septic tank shall be provided with a manhole not less than twelve (12) inches or more than eighteen (18) inches in diameter or of equal area for inspection and cleaning purposes.

§48109. Inspection before covering. No cover shall be placed over any septic tank or privy until diameter, depth and

other dimensions of such septic tank, or privy have been inspected and approved by the Administrator, where such inspection and approval are required by this Chapter.

§48110. Additional Standards for Privies. Every privy shall be fly-proof and rat-proof, adequately vented, and provided with a suitable shelter. Seats shall have a close-fitting cover. Pits shall be of sufficient depth so that when filled the contents may be covered with a minimum of two (2) feet of earth. During use, fresh deposits of excreta shall be covered with sufficient earth or lime to exclude flies and prevent odors. Pits shall be closed and sealed when the level of excreta reaches within two (2) feet of the earth's surface. A new pit shall be built to replace the old one if other sewage facilities are not available. The Administrator may authorize the proposed location of the new pit and inspect the completed privy prior to use.

§48111. Septic Tanks to Be Emptied and Cleaned. Septic tanks shall be emptied and cleaned when necessary, or when ordered by the Administrator in the interests of public health, and the contents disposed of in such place and manner as shall be authorized by the Administrator.

§48112. Disposition of Excreta. Untreated or improperly treated human excreta shall not be deposited into any river, creek, pond, reservoir, stream, well, or spring, or any collection of fresh water, on the surface of the ground, into or upon any public or private sidewalk, path, driveway, alley, street, highway, road, or beach, or any public place.

§48112.1. Ordering of Replacement, Repair, etc.: Procedure. Any toilet or sewage facilities, sewage disposal system, septic tank, leaching system, or privy which fails to comply with the provisions of this Chapter, or which has become dangerous to human life or health, shall be replaced, removed, repaired, altered, cleaned, or emptied by the owner of the premises, as may be ordered by the Administrator, so as to comply with the provisions of this Chapter. If the owner of such premises does not comply within fifteen (15) days after service of written notice of such order, upon the request of the Administrator work shall be done by the Department of Public Works, using appropriations of the Agency. The Director of Public Works shall determine a reasonable charge for such work and

such amount shall be entered upon the real estate tax duplicate, shall be a lien upon such real estate from the date of entry, and shall be collected in the same manner as real estate taxes.

§48113. Sewer Connection for Underprivileged. The Chief Officer of the Public Utility Agency of Guam shall connect or cause to be connected without charge, the island-wide sewer system to the residences of all persons for families certified by the Agency to be 'underprivileged' within the guideline established by the Director of Public Health and Social Services.

§48114. Definitions. As used in §§48114 through 48123 inclusive:

- (a) *Agency* shall mean the Public Utility Agency of Guam;
- (b) *Fund* shall mean the Public Utility Agency Wastewater Fund;
- (c) *Homeowners* shall mean persons owning private single family residences in which they reside;
- (d) *Adjacent homeowners* shall mean homeowners whose residences are adjacent to and abut a road, street or other way or easement on which a sewer is installed.

§48115. Installation of Connecting Lines to Public Sewers. The Public Utility Agency of Guam is hereby authorized to install or cause to be installed connection lines to public sewers from the residences of adjacent homeowners and subject to the provisions of this Chapter to charge thereof on an installation basis.

Any such adjacent homeowner who, pursuant to the 10 GCA §48104 is required to connect toilet facilities to said forth in such notice a verified application to the Agency for installation of said sewer connection and for repayment of the cost thereof on an installment basis as provided herein.

§48116. Installation of Type 2 Facilities. The Public Utility Agency of Guam is hereby authorized to install or cause to be installed for homeowners Type 2 toilet facilities and to charge therefor on an installment basis subject to the provisions of this Chapter.

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Any homeowner who, pursuant to the 10 GCA §48104 is required to install Type 2 toilet facilities, may make application to the Agency for installation of said toilet facilities and for repayment of the cost thereof on an installment basis as provided herein.

§48117. Notice to Homeowners. The Chief Officer of the Agency or his authorized representative shall inform, by written notice, all adjacent homeowners that said homeowner may make application for installation of connecting lines and payment of the cost thereof on an installment basis as provided in this Chapter. This notice shall be given to such homeowners within thirty (30) days from the date the public sewer first becomes available to them and shall contain a form for making application.

Within ninety (90) days from the effective date of this Act the Public Utility Agency of Guam shall give the notice provided herein to all such persons who presently own homes abutting a road, street or other way or easement in which a public sewer is currently located, and who have not yet connected their toilet facilities to the sewer.

The Chief Officer of the Agency or his authorized representative shall also inform, by publication of a notice at least once each month for a period of six (6) months in a newspaper of general circulation, all homeowners that they may make application for installation and connection of Type 2 toilet facilities and payment of the cost thereof on an installment basis as provided in this Chapter.

§48118. Application of Homeowners. The adjacent homeowners desiring to have connecting sewer lines installed by the Public Utility Agency of Guam and to pay therefor on the installment basis shall, within thirty (30) days from receipt of the notice specified in §48117 file application for connection and installment payment with the Agency upon forms provided by the Agency.

§48119. Installment of Connecting Lines. The Agency shall install or cause to be installed connections from the residence of each such adjacent homeowner to the public sewer and shall commence such installations as soon as possible in order to comply with the time provisions of §48104 of this

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Chapter. This work may be done by contractors on public bid pursuant to the provisions of §10001.6 of the Government Code.

If an adjacent homeowner has made application in accordance with the provisions contained herein and within the time provided in §48118, the time limitations contained in §48104 of this Chapter shall be waived while connection lines are being installed by or under the supervision of the Agency.

§48120. Installation of Type 2 Toilet Facilities. After the homeowner obtains a permit from the Guam Environmental Protection Agency, the Agency shall install or cause to be installed and connected Type 2 toilet facilities as soon as possible after execution of the installment contract provided for by §48123 of this Chapter. This work may be done by contractors on public bid pursuant to the provisions of 5 GCA §50108.

§48121. Fund. (a) There is hereby established a fund to be known as the 'Public Utility Agency Wastewater Fund', which fund shall be maintained separate and apart from any other funds of the government of Guam, and independent records shall be maintained in connection therewith.

(b) All monies received by the Agency from homeowners in payment of sewer connection line or Type 2 toilet facilities installation charges shall be deposited with the Treasurer of Guam and credited to the Fund and applied to the account of each homeowner making payment.

(c) All debts, liabilities, obligations, operating expenses and installation costs and expenses arising from the installation of connecting lines or Type 2 toilet facilities pursuant to the provisions of this Chapter are hereby authorized to be paid from said Fund by the Treasurer of Guam upon vouchers properly certified to by the Certifying Office of the Agency.

(d) The Chief Officer of the Agency shall quarterly render to the Governor a statement reflecting the financial condition of the Fund.

§48122. Repayment of Installments. The cost of the installation of connection lines to the public sewer and of Type 2 toilet facilities shall be borne by each individual homeowners and the cost thereof shall be repaid to the Fund on an installment

basis, in equal installments over a period not to exceed four (4) years from the date the sewer connection or the toilet facilities shall have been completed.

§48123. Installment Contract. The signature of the homeowner, and acceptance by the Public Utility Agency of the application form provided for in §48118 shall constitute a contract between the homeowner and the government of Guam. The contract shall provide for the monthly amount of installment payments to be made thereunder. Payments shall commence within sixty (60) days from the date of completion of the installation and connection of the connecting line or of the Type 2 toilet facilities.

Such contract shall provide for payment of interest to be at the rate of six percent (6%) per annum on the installment amount due and payable. Such contract shall further provide that the entire balance shall become immediately due and payable upon default in the payment of any installment of more than sixty (60) days. If during the duration of any installment contract single family residence is converted into income producing property or a multiple family dwelling, all unpaid installment shall become immediately due and payable. All unpaid installments shall constitute a lien upon the property for which the installation and connection was made. Upon sale of the property by the contracting homeowner, all unpaid installments shall immediately become due and payable, unless the buyer of the property shall, by written agreement with the Public Utility Agency assume such installment contract.

§48124. Powers. The Guam Environmental Protection Agency shall have the power, duty and responsibility for the operation, administration and enforcement of this Chapter. Such power shall include the authority to make rules and regulations necessary to carry out the provisions contained herein, all in accordance with §21207 of the Government Code of Guam. The Public Utility Agency of Guam shall have the responsibility for operation and administration of carrying out §§48115 through 48123 of this Chapter, shall maintain all the necessary records, and shall have the authority to enforce collection of payments to be made by homeowners hereunder. The Public Utility Agency of Guam shall obtain from the Attorney General approval of the general form of installment contract which is to be entered into

by homeowners hereunder, and approval of the general form of the assumption agreement to be entered into hereunder by subsequent purchasers.

§48125. Expiration of Fund. The Public Utility Agency Wastewater Fund shall expire as of June 30, 1985, after which time, no further advances or grants shall be made. In addition, balances within the Fund at the date shall be returned to the Unappropriated Surplus of the General Fund. Loans outstanding at that date shall be repaid in the manner prescribed by contract, except that payment shall be made to the Treasurer of Guam and deposited in the General Fund account. The Chief Officer of the Public Utility Agency of Guam shall at that time relinquish all records of the Fund to the Director of Administration who shall be responsible for same and collection of loans outstanding.

§48126. Penalties. (a) Any person who violates any sewage disposal provision of this Chapter, or any rule or regulation in force pursuant thereto, or who refuses or neglects to comply with any lawful order issued by the Administrator in the carrying out of the provisions of this Chapter, shall be guilty of misdemeanor and subject on account thereof to a fine not to exceed \$1,000. Each day of violation shall constitute a separate offense.
